

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TOWN OF OYSTER BAY,

Plaintiff,

- against -

NORTHROP GRUMMAN SYSTEMS  
CORPORATION, THE UNITED STATES  
NAVY, and THE UNITED STATES OF  
AMERICA,

Defendants.

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Case No. 05-CV-1945 (TCP) (AKT)

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### STATUS REPORT

Pursuant to the Court's April 22, 2013 Order, Northrop Grumman Systems Corporation ("Northrop") submits the following status report.

1. Plaintiff Town of Oyster Bay ("Town") filed the instant lawsuit on April 21, 2005, alleging seven claims against Northrop and the United States Navy ("Navy") relating to a seven-acre area of the Bethpage Community Park in the Town under both the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and state tort law (Dkt. #1).
2. After the Court granted, in part, Northrop's Motion to Dismiss the Town's First Amended Complaint (Dkts. #3, 20, 28), the Town filed a Second Amended Complaint (Dkt. #29).
3. Northrop and the Navy thereafter answered the Second Amended Complaint (Dkts. #31, 32). At the same time, Northrop filed a Counterclaim seeking contribution from the Town for all or part of the costs of Northrop's response under CERCLA (Dkt. #31).

4. Following two years of discovery, the Court declared discovery closed (Dkt. #86). The parties filed cross-motions for summary judgment on the Town's claims for relief (Dkts. #63, 64, 65, 66, 67, 68, 69, 70). Northrop's Counterclaim was not subject to a motion for summary judgment.
5. Briefing on the parties' cross-motions for summary judgment concluded on June 25, 2008 (Dkts. #72, 73, 74, 75), and the Court held oral argument on July 23, 2008 (Dkt. #82).
6. By Memorandum and Order issued May 14, 2009, the Court granted Northrop's and the Navy's motions for summary judgment, and denied the Town's motion for summary judgment. The Court accordingly dismissed the Town's federal causes of action (under CERCLA) with prejudice, and the Town's state tort causes of action without prejudice (Dkts. #91, 94).
7. The Town noticed an appeal of the Court's Memorandum and Order on April 30, 2009 (Dkt. #93), which the Town subsequently withdrew by stipulation with Northrop and the Navy (Dkt. #97).
8. By motion dated August 3, 2009, the Town requested reconsideration of the Court's Memorandum and Order and an entry of final judgment on the Town's dismissed CERCLA claims (or, in the alternative, certification of an interlocutory appeal) (Dkt. #101). After briefing by the parties (Dkts. #102, 103, 104), the Court denied the Town's request for reconsideration on May 21, 2010 (Dkt. #106).
9. On January, 28, 2011, the Town again moved for reconsideration of the dismissal of one of its CERCLA claims (Dkts. #108, 109, 110, 111). The

Court again denied the Town's request for reconsideration by Memorandum and Order dated July 31, 2011 (Dkt. #112).

10. At this time, all that remains in the case is for a trial of Northrop's pending counterclaims.
11. Northrop respectfully requests that the Court set a date for trial of Northrop's pending counterclaims against the Town in November 2013.

Dated: Washington, D.C.  
May 2, 2013

Respectfully submitted,

s/ Allan J. Topol  
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*Attorney for Northrop Grumman Systems  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 2, 2013, a copy of the foregoing document was caused to be served on counsel for the below-listed parties via the Eastern District of New York's electronic transmission facility as follows:

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